

### REMARKS

The Office Action dated March 10, 2004 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 7, 10 and 11 have been amended. No new matter has been added, and no new issues are raised which require further consideration and/or search. Claims 1-11 are submitted for consideration.

As required by the Office Action, the Description of the Preferred Embodiment has been amended to conform with the Drawings.

As suggested by the Office Action, a new Figure 1 is presented to correct the insufficient quality identified in the Office Action.

Claims 6 and 7 were objected to because of informalities. Claims 6 and 7 have been amended to overcome the informalities identified in the Office Action.

Claim 7 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 7 has been amended. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 1-11 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,138,022 to Strawczynski et al. in view of U.S. Patent No. 5,991,716 to Lehtimaki. The rejection is traversed as being based on references that neither teach nor suggest the novel combination of features clearly recited in independent claim 1. Claim 1, upon which claims 2-11 depend, recites a method for performing discontinuous

transmission in an asynchronous transfer mode ATM between a transcoder and a base transceiver station. The method includes the steps of performing a transmission of an ATM cell in a downlink direction each time a predetermined time period has expired, when signal frames indicating a speechless period are supplied and determining the predetermined time period by counting a predetermined number of the signal frames indicating a speechless period. The method also includes the steps of performing an uplink transmission of an ATM cell only when a signal frame indicating a useful information has been supplied, wherein frames containing speech information are transmitted to an ATM connection via an ATM interface. In case of frames containing a comfort noise information, only an ATM cell containing the first frame containing the comfort noise information is transmitted, wherein subsequent frames with comfort noise information lead to an initialization of a first counter and thereafter to a successive incrementation thereof until the first counter has counted to a defined value. When the defined value has been reached, an ATM cell containing the corresponding frame is transmitted to the ATM connection and the processing starts again as long as subsequent frames with comfort noise information are transmitted. In the uplink direction, when an ATM cell containing a frame indicating a timing alignment is received, a second counter is reset, and, with any subsequently received ATM cell, the second counter is incremented and the contained frame is passed to the transcoder until a predetermined count value has been reached. When no ATM cells are received after the initial synchronization of the second counter, frames with information indicating a bad frame

are generated and the second counter is incremented until the count value reaches the predetermined value. When ATM cells are received before the second counter has reached the predetermined value, the corresponding frames are passed to the transcoder while the counter is still incremented with any received ATM cell.

As will be discussed below, the cited prior art references of Strawczynski et al. and Lehtimaki et al. fail to disclose or suggest the elements of any of the presently pending claims.

Strawczynski et al. teaches a wireless telecommunication system architecture for communications involving at least one wireless terminal. Col. 8, lines 60-63. The system includes one base station controller that is connected to a TDM, frame relay, or ATM network that form the digital network to transport the data stream toward a second base station controller or to a vocoder. The base station controllers are also directly connected to the mobile switching centers to transfer signal and control data only. Col. 9, lines 4-21 and Figure 3. Strawczynski et al. also teaches that the base station controllers may communicate with each other via a mobile switching center. See Figure 1.

Lehtimaki et al. teaches a mobile communication system which uses digital speech transmission and speech encoding techniques reducing the transmission rate. Col. 4, lines 32-35. To decrease transmitter power consumption and the general noise level on a radio path, a transmission on the radio path may be interrupted for the duration of pauses in speech. Col. 6, lines 37-42. The discontinuous transmission is carried out by a voice activity detection which checks whether a signal under examination contains speech or

sorely background noise. On the basis of the noise parameters obtained from the transmitting side, so-called comfort noise is generated on the receiving side in order not to subject the listener to unpleasant switching between speech with background noise and total silence. Col. 6, lines 46-62.

Applicant respectfully submits that the combination of Strawczynski et al and Lehtimaki et al. does not teach or suggest the combination of elements clearly recited in any of the pending claims. The embodiment of the present invention in claim 1 recites that there are two counters for uplink and down link direction. This embodiment also recites that the first count is initialized not by the first frame containing comfort noise information, but by subsequent frames. This embodiment further recites that an ATM cell containing a corresponding frame is transmitted again when the first counter has counted to a defined value and that this process is repeated as long as comfort noise information is to be transmitted. According to this embodiment of the present invention, in the uplink direction, the second counter is reset when an ATM cell containing a frame indicating a timing alignment is received. The second counter is incremented with any subsequently received ATM cell, passing the contained frame to a transcoder and this process is repeated until a predetermined count value of the second counter has been reached. This embodiment further recites that frames with information indicating a bad frame are generated and the second counter is incremented in case no ATM cell should be received after the initial synchronization of the second counter. Even when ATM cells are received before the second counter has reached a predetermined value, the corresponding

frames are passed to the transcoder while still incrementing the second counter.

Strawczynski et al. does not disclose or suggest any of the features outlined above.

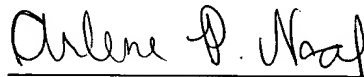
Lehtimaki et al. fails to cure the deficiencies in Strawczynski et al. as Lehtimaki et al. does not even suggest the two counters for uplink and down link direction and the specific inter-related manner in which these counters transmit ATM cells as disclosed in independent claim 1. Instead, Lehtimaki et al. is primarily directed to a discontinuous transmission DTX wherein so-called comfort noise is generated on the receiving side during periods when no speech data are generated. Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. §103(a) should be withdrawn because neither Strawczynski et al. nor Lehtimaki et al. whether taken singly or combined, teaches or suggests each feature of claim 1 and hence, dependent claim 2-11 thereon.

As noted previously, claims 1-11 recite subject matter which is neither disclosed nor suggested in the prior art references cited in the Office Action. It is therefore respectfully requested that all of claims 1-11 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Arlene P. Neal  
Registration No. 43,828

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802

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Enclosure: Replacement Figure 1